

Message

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Sent: 11/13/2020 5:08:48 PM
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Subject: Your Recent Letter to AAPCO & SFIREG Re: Pesticide Impurities

Ed,

I wonder if you would have a few moments to discuss the recent letter you sent to AAPCO and SFIREG Leadership. I understand that this letter was in response to their "White Paper" of Oct 16, 2018 regarding "Pesticide Impurities in EPA Registered Products". In general, I am excited that EPA wants to revisit the situation and come up with some ideas on resolution. The fact that this letter is proposing changes in some standard procedures, without being put out for public comment or discussion is very troubling. I found out about it due to a lawyer friend who indicated that the letter was already being used in a legal case between the State of OR and a company with an organic product caught up in the mess.

I don't know if you recall, but I was at the AAPCO meeting back in 2017 when Ms. Kachadoorian first formally presented the issues that were to be highlighted in their white paper. Examples that Rose used in her presentation were in fact based on products being distributed by PBI-Gordon. After her presentation, I spoke with you and Rick Keigwin in the back of the room about the subject and we discussed that indeed, the issue was not about pesticide impurities in general, but about the fact that the growing use of pesticides on marijuana was creating problems. These problems were primarily due to the fact that EPA could not move on registering pesticides on this crop, but that states were coming up with their own ways of dealing with the situation. States like OR, WA, CO, and CA put out their own lists of approved chemicals, most of which were either organic in nature, or were exempt from tolerances, and had enforcement rules which basically said that if a chemical not on their list was detected in marijuana, it had to be destroyed.

With the recent election voting to approve the "recreational use" of marijuana in more states .. and a new vice-president elect who is in favor of marijuana this is an issue which needs to be dealt with sooner than later. The 2018 Farm Bill opened the door for pesticides to be used on hemp (a cousin of marijuana), but not on crops containing more than 0.3% THC.

Your letter indicated that EPA has and is reviewing the situation, but without further discussion and comment by all parties involved, it should not be used to set policy or legal arguments. I've included Ray, Mano and Chris from CLA so that they are aware of the concern .. with hopes that a renewed discussion can take place .. and find some resolution which doesn't involve states coming up with ways to deal with problems such as this that might create a bigger chasm between FIFRA and States Laws. At the very least, I would strongly urge you to either withdraw the letter .. or at least indicate that it sets a "starting point" for future discussions .. and NOT yet be used as policy or to confirm legal arguments.

As always .. I have long been supportive of the actions you've taken and know that the industry and EPA need to work together as much as possible .. to continue to preserve the long standing tradition of protecting our nation with safe and effective products. As indicated .. I am eager to talk more if you have the time and interest.

Best Regards .. Jim

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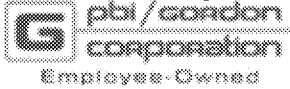
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